

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

J.C. PENNEY CORPORATION, INC.,

Plaintiff,

v.

**5:02-CV-1360
(FJS/DEP)**

CAROUSEL CENTER COMPANY LP,

Defendant.

ORDER

On August 2, 2010, Jonathan Lee Riches purported to move on his own behalf as well as on behalf of several other individuals to intervene in this action, which had been closed since October 16, 2009. By Order dated August 4, 2010, this Court struck that motion from the record. *See* Dkt. No. 272. On August 20, 2010, Mr. Riches moved on his own behalf as well as on behalf of several other individuals for an order recusing Attorney Timothy J. Lambrecht from this case. *See* Dkt. No. 275. That motion remains pending before Magistrate Judge Peebles. On August 20, 2010, Mr. Riches also filed a Notice of Appeal on his own behalf as well as on behalf of several other individuals regarding this Court's August 4, 2010 Order striking the motion to intervene from the record. *See* Dkt. No. 277.¹

Mr. Riches' frivolous and vexatious filings are not limited to this action. On August 11, 2008, Mr. Riches purported to move for reconsideration, to intervene, and to amend the complaint on his own behalf as well as on behalf of several other individuals in *Quantum*

¹ One of the individuals who purportedly signed the motion to intervene, and many of the other motions that Mr. Riches has filed, has informed the Court that Mr. Riches forged his signature and that he did not want to file any documents in any cases in this Court. The Court surmises that this may be true for the other purported movants.

Corporate Funding, Ltd. v. Bast Hatfield, Inc., 5:04-CV-137. *See id.* at Dkt. No. 100. By Order dated August 12, 2008, this Court ordered that motion stricken from the record. *See id.* at Dkt. No. 101. On September 11, 2008, Mr. Riches filed a Notice of Interlocutory Appeal regarding this Court's order to strike. *See id.* at Dkt. No. 103. By Mandate issued February 2, 2009, the Second Circuit Court of Appeals dismissed that appeal. *See id.* at Dkt. No. 110. Not to be deterred, on August 20, 2010, Mr. Richie purported to move on his own behalf as well as on behalf of several other individuals to intervene in that action. *See id.* at Dkt. No. 111. That motion remains pending before Magistrate Judge Peebles.

Finally, in *Herrigan v. Receivables Performance Mgmt., LLC*, 8:09-CV-1351, Mr. Riches has filed similar frivolous motions. On August 2, 2010, Mr. Riches purported to move to intervene. *See id.* at Dkt. No. 21. By Order dated August 10, 2010, Magistrate Judge Treece struck that motion from the record. *See id.* at Dkt. No. 22. In that Order, Magistrate Judge Treece provided several reasons for striking the motion, including the fact that "[n]othing in the filing has a remote connection with the above case." *See id.* He also warned the movants that, if they "insist[ed] on pursuing such frivolous filings, they . . . [would be] subject to this Court's inherent sanction power." *See id.* Mr. Riches apparently chose to ignore Magistrate Judge Treece's warning because, on August 20, 2010, he filed the following: (1) a motion for an order of recusal of Attorney Paul A. Sanders, *see id.* at Dkt. No. 24; (2) a motion for an order of recusal of Attorney William F. Horn, *see id.* at Dkt. No. 25; and (3) a Notice of Interlocutory Appeal regarding Magistrate Judge Treece's August 10, 2010 Order striking the motion to intervene, *see*

id. at Dkt. No. 26.² These motions remain pending before Magistrate Judge Treece.

As this recitation of Mr. Riches' litigation tactics makes clear, he continues to engage in vexatious and frivolous activity in actions in this District in which he is not a party and to which he has no relationship. This Court will no longer countenance such behavior. Therefore, because it is clear that Mr. Riches' actions in filing his many motions are entirely without a basis in law and fact and are motivated by improper purposes, the Court, pursuant to its inherent powers to sanction individuals who engage in such tactics, hereby

ORDERS that, pursuant to 28 U.S.C. § 1651(a) and its inherent power to control its docket, **JONATHAN LEE RICHES** is **ENJOINED** from filing any document or pleading of any kind in any case in this District *pro se* unless he first seeks leave of the district judge or magistrate judge presiding over the case in which he seeks to file the document or pleading; and the Court further

ORDERS that Mr. Riches may only obtain leave of the presiding district judge or magistrate judge by submitting a written application, not to exceed two pages, double-spaced, summarizing the factual and legal basis for the desired action; and the Court further

ORDERS that the Clerk of the Court ***shall not accept for filing*** any document or pleading of any kind that Mr. Riches submits *pro se* **except** (1) where the presiding district judge or magistrate judge has previously issued an Order granting Mr. Riches' request for leave to file


² The Court also notes that, on October 24, 2008, Mr. Riches filed a motion to intervene in another action in this District. *See New York Realty Partner, L.P. v. Appleton Papers, Inc.*, 1:07-CV-867 (LEK/DRH), Dkt. No. 40. Magistrate Judge Homer issued an Order rejecting that filing on October 28, 2008, *see id.* at Dkt. No. 41; and Mr. Riches filed a Notice of Appeal regarding that rejection order, *see id.* at Dkt. No. 43. In an Order dated June 1, 2009, Judge Kahn affirmed Magistrate Judge Homer's rejection order and dismissed the proposed intervenors' appeal. *See id.* at Dkt. No. 52.

such document or pleading or (2) where Mr. Riches submits papers to appeal this Order or to notify the Court of appellate action; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on Mr. Riches in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 27, 2010
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge